

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C.

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO.
1:21-CR-00116-DLF

WILLIAM MCCALL CALHOUN, JR.
Defendant.

MOTION TO ACCEPT LATE FILING

COMES NOW, Defendant, William McCall Calhoun, Jr., by and through undersigned counsel, Jessica N. Sherman-Stoltz, Esq., and moves this Court, for good cause shown, for the entry of an order accepting Defendant's late filed *Second Unopposed Motion to Extend the Reply Deadline to the Government's Response Brief*.

As grounds for this Motion, undersigned counsel states as follows:

1. By this Court's May 3, 2022 Minute Order, Defendant's Replies to the Government's Responses to Defendant's ECF No's 99 and 101 were due to be filed by May 9, 2022.
2. Counsel for Defendant was made aware on Monday evening, May 9, 2022, of the Honorable Judge Friedrich's May 4, 2022 opinion and order in *United States v. Reffitt*, No. 21-cr-32 (DLF), ECF No. 148 (D.D.C. May 4, 2022). In that opinion and order, Judge Friedrich denies the

defendant's motion for a judgment of acquittal and to arrest judgment on his conviction for obstruction of an official proceeding in violation of 18 U.S.C. § 1512(c)(2). This is the same charge in which Mr. Calhoun has brought forth in his Motion to Dismiss Count One of the Superseding Indictment.

3. After review of Judge Friedrich's opinion and order, the currently written and soon to be filed reply to the Government's Response to Defendant's Motion to Dismiss Count One of the Superseding Indictment held no arguments that had not already been addressed and dismissed by Judge Friedrich's opinion and order in *United States v. Reffitt*.
4. Counsel contacted the Government's attorney assigned to this case, who promptly responded with no objection to a requested extension for the Defendant's reply.
5. Counsel and Defendant are undecided if a reply is now moot for this Motion but would like the opportunity to consider and discuss it a bit longer than the few hours they have had since learning of Judge Friedrich's opinion. All of these events took place late in the evening of May 9, 2022.

6. The Government will not be prejudiced by this Court's acceptance of Defendant's late filed *Second Unopposed Motion to Extend the Reply Deadline to the Government's Response Brief*, as the Government has already expressed no opposition to the motion to extend, and the request for an extension of time is to allow counsel and Defendant to further review Judge Friedrich's May 4, 2022 opinion and order in *United States v. Reffitt*, and determine if a reply to the Government's response is even necessary, and if so, have that reply consider Judge Friedrich's ruling.

WHEREFORE, Defendant respectfully requests that this Court enter an order accepting the late filing of his *Second Unopposed Motion to Extend the Reply Deadline to the Government's Response Brief*.

A proposed Order is included.

Respectfully submitted, this 10th day of May 2022.

WILLIAM MCCALL CALHOUN
Bycounsel

/s/ Jessica N. Sherman-Stoltz
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CERTIFICATE OF SERVICE

I hereby CERTIFY that on this the 10th day of May 2022, a true and correct copy of the foregoing *Motion to Accept Late Filing* with the Clerk of Court via the CM/ECF system, which will automatically send an email notification of such filing to all counsel of record.

/s/ Jessica N. Sherman-Stoltz
Jessica N. Sherman-Stoltz, Esq.
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